

Mitsuhara *et al.*  
Application No.: 08/805,813  
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PATENT

91  
~~22. (Once amended) The method according to claim 21, wherein the pathogenic fungi are *Rhizoctonia solani*, *Pythium [aphanidermatum] aphanidermatum*, and *Phytophthora infestans*.~~

92  
~~27. (Once amended) The method according to claim [21] 24, wherein the first plant promoter is an inducible promoter.~~

Sub G3  
~~29. (Once amended) The method according to claim [25] 28, wherein the promoter induced by stress is a promoter of the tobacco PR-1a gene.~~

73  
~~30. (Once amended) The method according to claim [21] 24, wherein the expression cassette has a terminator of the tobacco PR-1a gene downstream of the DNA sequence encoding the anti-bacterial peptide from the Diptera insect.~~

~~31. (Once amended) The method according to claim [21] 24, wherein the constitutively expressed promoter is the Cauliflower mosaic virus 35S promoter.~~

74  
~~Sub G7  
39. (Once amended) The plant according to claim 32, wherein the expression cassette has a terminator of the tobacco PR-1a gene downstream of the DNA sequence encoding the anti-bacterial peptide from the Diptera insect.~~

Please add the following new claim.

75  
~~Sub G9  
41. (New) The plant according to claim 32, wherein the expression vector further has a T-DNA region and a drug resistant gene. --~~

REMARKS

Status of the Application

The Advisory Action mailed February 3, 2000 states that the After Final Amendment filed December 23, 1999 (which canceled claims 1-20 and added claims 21-40) has been entered. Claim 41 is added by this Amendment. Therefore, claims 21-41 are pending.